

To: Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]
Sent: Wed 4/4/2018 12:17:12 AM
Subject: RE: Press Statements Regarding the Friday Memo

Hi Jennie,

Those are good points to ask. I was not given a direct order to speak to the press, but in retrospect, I guess I didn't feel that I could decline, What Ryan said is that they "needed" me to speak to the reporter. I asked when they meant, and he said he would like it to be right then, and that they would call me back with the reporter. I said that I needed to tell [REDACTED] where I was

From: Keith, Jennie
Sent: Tuesday, April 03, 2018 6:29 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: Press Statements Regarding the Friday Memo

Hi Justina,

I had a couple questions just to be sure I understood the events correctly. I'm sorry I couldn't write earlier, but I was preoccupied with vetting an event for the Administrator this afternoon.

In your email last week, on Thursday night (technically 12:30am on Friday morning, March 30), you wrote that Matt and Ryan asked you to talk to the press that night; however, below you wrote that they told you to talk to the press. Did you mean there to be a difference there? Because one sounds like a direct order while the other implies a willingness to the press.

Also, when you recounted to me events that happened over the phone on Friday, I just wanted to be sure I understood how many times Matt asked you whether he should get Kevin.

Thanks!

Jennie for OGC/Ethics

From: Fugh, Justina

Sent: Tuesday, April 03, 2018 9:59 AM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>

Subject: FW: Press Statements Regarding the Friday Memo

Wow. Just ... wow.

For our internal record, I want to say that:

- I first learned about the lease in the afternoon of Thursday, March 29, when Ryan Jackson called me about a different matter. He also mentioned in passing about the Administrator's lease and said that the landlord was a lobbyist friend who had known the Administrator for years, had donated in the past to his campaign. The Administrator paid about \$50 a night for one room that had a shared bathroom. The door did not have a lock. I said that if you pay for something, then it's not a gift under the ethics rules, and even if it is a gift, then it's still generally okay even under the pledge to accept a gift from a personal lobbyist friend.
- I went to the movies that night with [REDACTED] As I was turning off my EPA iphone, it buzzed. I did not recognize the number, so I texted back that I couldn't take the call and asked who was calling. It was Matt Leopold, so I excused myself and went to the lobby. Matt and Ryan Jackson were in the office and wanted to talk to me about the lease. They read to me over the phone portions of the lease, including the fact that it was originally for just for about a month and a half but he stayed for about 5.5 months, that the Administrator did not have access to the common areas of the space but only to his own room, that his bedroom door didn't lock, and that he paid only for the nights he was there (as opposed to a monthly lease). They said they had cancelled checks and rattled off the amounts and dates. It seemed to me that he paid on average about \$1000/month. They then told me that I needed to be interviewed on the record with Bloomberg that night.
- What Ryan and Matt did not tell me was that Kevin Minoli was also in his office, just a few feet away. They had talked to him, but he indicated to them that he needed to look at the regs. So instead of that option, they apparently decided to call me at 8:40 at night. They did not tell me that they had talked to Kevin, nor that he was physically in the office while I was in the movie theater. And even though Kevin was right there, they never told him that they were talking to me or that I was asked to talk to the reporter. In fact, even after the interview, they did not tell Kevin. He did not know what happened to me until he read the email I sent all of you at 12:30 that night.
- On Friday, March 30, I had a meeting already scheduled with Kevin at 1 pm. He arrived at

the office at about that time as he had been off in the morning

Ex. 6 - Personal Privacy

At that time, he told me that he had been in the office the previous night while Matt and Ryan were talking to me. I left Kevin's office around 2 or 2:10 pm.

- Soon thereafter, Carla called me to say that Matt was in his office and wanted to see me, that she would call again when he was ready. She called around 2:30 or so, having alerted me to the fact that Ryan was also there. In addition, Jahan Wilcox was there, and they showed me for the first time the actual lease and copies of the cancelled checks. They started to talk to me, and I asked if Kevin would be joining us. Matt said, "Do you want Kevin here?" and I said yes, he's the DAEO. Matt said again, "Do you want me to get Kevin" and "Do you want *me* to get Kevin." So I thought he meant that, instead of his doing it, I should get Kevin, but then he said, "No, if you think you need Kevin, then I'll go get Kevin."
- Matt returned to his office about 10 to 15 minutes later, with Kevin. We then spent the next 3 hours talking about the lease, plus all of the new facts that I was learning for the first time, such as the fact that Pruitt's adult daughter stayed at the apartment in the other bedroom while she was on an internship with the White House that Ryan said he secured for her. Then Jahan, looking at his phone, said, "the broken down door just got out." I asked what that meant, and Ryan said that the Administrator had been feeling ill, so went to the White House physician and then went to the condo to take a nap. He apparently asked for the security detail to get him in three hours. He did not respond to calls, so (according to Ryan) the security detail contacted Nino, who told them to break down the door. I asked whether that was the door to the Administrator's room (which wasn't supposed to have a lock), and Ryan then described the condo floorplan to me, indicating that the security detail broke down the condo door to the outside.
- Kevin drafted the Friday, March 30 message and signed it. I was with him most if not all of that time. The memo underscores the concept that if you pay for something, it's not a gift. That's the point that Kevin is making in his email below to the press people, but they are using his statement for more than that.

Justina

From: Bowman, Liz

Sent: Tuesday, April 03, 2018 8:59 AM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Re: Press Statements Regarding the Friday Memo

Hi Kevin, this statement was approved by Matt, based on what the administrator told us to communicate. Thanks - Liz

On Apr 2, 2018, at 10:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full](#)

story

Shared from Apple News

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]
Sent: Tue 4/3/2018 11:02:34 PM
Subject: I had a long chat with Dave Apol today

Hi there,

Dave Apol called me, and we talked for about 45 minutes. He indicates that my reputation is being sullied and my competence questioned, and that people at OGE are wondering what I was thinking (based on the press reports). That's pretty disheartening. I explained that I gave advice about the definition of gift based on what I was told on Thursday that the landlord was a personal friend of Pruitt's. I was read portions of the lease that indicated Pruitt did not have personal use of the common areas and that he paid \$50 a night for the use of just one room. Matt and Ryan did not tell me on Thursday about the adult daughter living there too. Based on what they told me, I then said in the interview that if you pay market value for something, it's not a gift. To be clear, I was talking about the single room; I never said that paying \$50 for an entire condo was "market value."

Dave made me feel better in our conversation by saying that I had done nothing wrong. He said that the advice I gave based on the facts that I knew at the time was right. Ethics officials can't and don't

To: OGC Ethics[OGC_Ethics@epa.gov]
From: Fugh, Justina
Sent: Fri 3/30/2018 11:15:27 PM
Subject: an update
Evaluation of Lease Agreement2018-03-30-152600.pdf

Hi there,

I certainly had an eventful day today, ranging from people calling me horrible names to other people just wanting me to know that they are thinking of me.

Good golly! What a weird 24 hours! In the dozen years I've been doing this job, I've never been asked about someone's rental agreement. For example, I have no idea about Gina McCarthy's living arrangements while she was the Administrator. And over the course of today, there are new details about Pruitt being dropped, like the fact that his daughter stayed there too. This is insane! Anyway, attached is the memo that Kevin Minoli wrote and signed today that concludes there isn't a gift issue here since Pruitt paid rent.

Happy weekend, everyone.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

I have since learned today that the Administrator's daughter also stayed at the condo, and have been asked (A LOT) about whether that fact changes the analysis. I don't think it does because he paid for

Attached is the memo that Kevin issued today.

To: Blake, Wendy[Blake.Wendy@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Youngblood, Charlotte
Sent: Tue 4/3/2018 1:46:31 PM
Subject: RE: Condo question

Ex. 5 - Attorney Client

Charlotte Youngblood

Deputy Associate General Counsel

General Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-0283

youngblood.charlotte@epa.gov

From: Blake, Wendy
Sent: Monday, April 2, 2018 5:26 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>
Subject: Re: Condo question

Ex. 5 - Attorney Client

Wendy

Sent from my iPhone

On Apr 2, 2018, at 2:31 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Ex. 5 - Attorney Client

From: Ray Converse [<mailto:>] **Ex. 6 - Personal Privacy**

Sent: Saturday, March 31, 2018 7:57 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

Subject: Condo question

Ms. Fugh

In March 2017, you said, " Because we work for the federal government, all EPA employees must abide by the Standards of Ethical Conduct and conflict of interest statutes. We have to be sure that the American public is able to trust that we carry out our jobs without any financial conflict, or inappropriate favoritism, or partisan political influence. My job is to help EPA employees understand their ethics rules and responsibilities. "

How does this square with your contention that Mr. Pruitt renting a room from an energy lobbyist was not improper or at least had the appearance of impropriety? What technique did you use to determine fair market value? What other favorable ethics rulings have you ever given Mr. Pruitt? Have you ever told him an action was inappropriate? Are you willing to tell truth to power in your position?

--

Ray Converse

To: Fugh, Justina[Fugh.Justina@epa.gov]; OGC Ethics[OGC_Ethics@epa.gov]
From: Ross, Margaret
Sent: Fri 4/6/2018 9:33:48 PM
Subject: RE: Request for Further Evaluation of Ethics Matter

Please know I was not trying to defend Mr. Fowler. I read his email as presumptuous with a sexist subcurrent. This gentleman presented himself to you at the moment of his choosing and then was frustrated by being told that you didn't have time to talk to him about his personal desire for an investigation. It was not hostile to repeatedly tell him that you were not going to talk to him about this, until you had to tell him that you were going to hang up the phone. It's a relatively civil way to get off the phone with someone when you don't have time to talk to someone and they refuse to release you.

Switch the gender roles and see how it plays in your mind.

I am just trying to figure out what the heck I should be learning from all this as a relatively new entrant to the world of ethics. I really appreciate the additional thoughts.

I get that being a crappy tenant isn't an ethics violation and abusing the hospitality of your friends isn't an ethics violation and falling behind on the rent isn't an ethics violation (unless he never paid, but it looks like he did). I don't have any problem with the gift determination. Your logic makes sense to me. If we think someone lied, or that fraud was committed, then we refer to the IG, right?

As an aside - I didn't know that standing was a thing with ethics. Do we need to know whether someone has standing to raise an issue?

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Friday, April 6, 2018 3:42 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>; OGC Ethics <OGC_Ethics@epa.gov>

Subject: RE: Request for Further Evaluation of Ethics Matter

Well, let's see: what I object to with Mr. Fowley is that he lacks standing (in my opinion) to make the request.

Ethics officials are not investigators, and the ethics rules are designed to establish rules of conduct for employees. That means that it's the employee's obligation to abide by the rules, not for the ethics officials to go chasing after them. That said, Kevin M just called to say that Dave Apol of OGE is sending a letter to him as the DAEO saying that they were "concerned" about the New York Times article and want to know about the lease, the trips to Tulsa, and the departure of EPA senior career people. OGE does have standing to make this request.

Pursuant to 5 CFR 2638.503, the OGE director has the authority to "communicate with agency heads and other officials regarding government ethics and to recommend that the agency investigate a matter or consider taking disciplinary or corrective action against individual employees." I think that's what OGE is invoking now. I'll have to see the letter to know whether it's this provision or something else in Subpart D.

I am going to take this opportunity to put some thoughts into an email ... will help me crystallize things in my head.

The question put before me on Movie Theater Night was whether the lease *as articulated to me* was itself permitted under the gift rules only. That answer I gave that the lease was not an impermissible gift was accurate, but again, based on what I was told. There is an exclusion to the definition of gift that if you pay "market value" (not *fair* market value) for something, then it's not a gift. Seemed to me at the time that paying \$50 for one room, not a whole house, with a shared bathroom, no locked door and no access to the common areas of the house, was credible.

I was told that the house was owned by a personal friend of Pruitt's who was a lobbyist who did not have business before EPA and that her spouse did lobby on energy issues, but he didn't own the property. So I said that she's not a prohibited source and even if there is a gift (perhaps for the discounted rent), then that's still permissible under the gift rules because of the "personal friendship" exception, which applies even to the lobbyist gift ban.

Now, of course, we understand that Pruitt used more than just one room, allowed his daughter to

live there, and that the landlord apparently disavows having a long-standing personal friendship. Jennie has wondered if there is a potential additional gift issue given the daughter, but now that I think about it, I'm not so sure. Remember that we know from the media reports that the landlord had no knowledge of the daughter, so how can we consider her living there to be a cognizable "gift" given to Pruitt? Instead, it seems that he was just a really bad tenant.

I've hesitated to go back, after the fact, to change my determination. Had I been presented with all of the facts, I might have thought that \$50 per night for a two-bedroom condo wasn't entitled to the exclusion, and that he could not rely on the personal friendship exception. The solution would have been for him to throw a lot of money at the landlord so that he wouldn't have any gift issue at all. I still don't see, on a strict reading of the impartiality regulations, that there is any "covered relationship" between Pruitt and Steven Hart, who may have lobbied before EPA. There is possibly a "catch-all" impartiality concern but, again, it's the obligation of the employee to raise those sorts of issues.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ross, Margaret
Sent: Friday, April 06, 2018 12:53 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; OGC Ethics <OGC_Ethics@epa.gov>
Subject: RE: Request for Further Evaluation of Ethics Matter

I understand Mr. Fowley's frustration. I can understand why people might want determinations

on gifts, impartiality, and misuse of position based on all of the facts in the case. My understanding was that our work is predominantly preventative and remedial where necessary, in a limited number of situations (like helping people remedy possible COIs). I don't understand how all of the stuff with the condo fits in with what we do. Is a remedy required here? Are we supposed to refer it to the IG? What tools are at our disposal in situations like this? Apologies if this is a stupid question – I just don't know what *could* be done.

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Friday, April 6, 2018 12:10 PM
To: OGC Ethics <OGC_Ethics@epa.gov>
Cc: Jensen, LeAnn <Jensen.Leann@epa.gov>
Subject: FW: Request for Further Evaluation of Ethics Matter

I so don't have time for this.

This guy is apparently a former EPA employee (I think from Region 1) who called me about an "ethics question" today. When I returned the call, it turned out that he wanted to criticize me for the Pruitt condo story. He indicated that someone should "file a complaint" or investigate or something, now that more facts have been revealed. I tried to explain that we don't have investigatory powers. He countered by saying that I had apparently intervened in his own post employment interest in doing some sort of webinar. I don't really recall that situation, but I gather that I must have decided it was the same specific party matter that he worked on personally and substantially while he was at EPA, so advised that it not be permitted. Based on that experience, he seems to think that I can and should reexamine the condo under the gift analysis.

I tried to explain to him that the gift analysis I delivered on Thursday night was based *on the facts that I was given at the time*, which we now understand to be incomplete, inaccurate or wrong. Now that we know new facts, I said that it should be abundantly clear that the advice given on Thursday can't be correct because it was based on incorrect facts. That said, we are not going to reevaluate the gift now because, well, what's the point?

Justina

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From: Jeffry Fowley [[mailto:](#) **Ex. 6 - Personal Privacy**]
Sent: Friday, April 06, 2018 11:54 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Request for Further Evaluation of Ethics Matter

This will follow up on a my phone call I just had with Ms. Fugh. I am requesting that your office conduct a further evaluation of whether the gift regulations or any other ethics regulations were violated by Administrator Pruitt in connection with the rental of a condo unit from Vicki Hart. When I was at EPA, such evaluations routinely were conducted when complaints were received from other persons even if the person whose conduct was to be evaluated had not asked for the evaluation. This should be done here, based on my request.

Mr. Minoli's March 30 memorandum has been clarified by his April 4 memorandum which acknowledges that at the time when the March 30 memorandum was written, your office did not have all the relevant facts. However, the April 4 memorandum fails to go on to evaluate whether - based on the true facts - any violation or violations of ethics regulations has occurred. This should now be determined by your office. When this evaluation has been completed, the results should be communicated to me - which also has been the standard practice in similar situations in the past.

The purpose of doing this further evaluation would be to be transparent, and to help to correct the damage done by the March 30 memorandum. Your office did do deficient work in issuing that memorandum without taking the time and making the effort then to acquire all of the relevant facts. While any further evaluation would analyze the situation only after the fact, this would be no different than what you already did when issuing the March 30 memorandum (after the fact). Also, if you were to find ethics violation by doing a further evaluation - using the true facts - your office could recommend corrective action (even after the fact). For example, you could advise that Mr. Pruitt should pay additional sums to the landlord, if it turns out that he did indeed rent the unit for below a market rate.

I tried to discuss this matter with Ms. Fugh in a civil manner, but she was hostile throughout the call and then hung up. She made it clear that she would not undertake this evaluation based solely on my request. Thus I am asking Mr. Leopold to overrule her and direct that this further evaluation be done.
Jeffry Fowley

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Dierker, Carl[Dierker.Carl@epa.gov]
From: Jensen, LeAnn
Sent: Fri 4/6/2018 7:41:31 PM
Subject: RE: Request for Further Evaluation of Ethics Matter

I'm sorry, Justina, I should have scrolled down. The complaint was made by our own Jeff Fowley. What can I say, he's a wild man. Carl, you may want to mention Jeff's eccentricities to Matt when you talk next.

From: Fugh, Justina
Sent: Friday, April 06, 2018 12:10 PM
To: OGC Ethics <OGC_Ethics@epa.gov>
Cc: Jensen, LeAnn <Jensen.Leann@epa.gov>
Subject: FW: Request for Further Evaluation of Ethics Matter

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From: Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy](#)]
Sent: Friday, April 06, 2018 11:54 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
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Jeffry Fowley

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Jensen, LeAnn
Sent: Fri 4/6/2018 4:13:15 PM
Subject: RE: Request for Further Evaluation of Ethics Matter

I'm so sorry. You know how tough R1 employees can be. Must be the long winters.

Was his name Matt Schweisberg?

From: Fugh, Justina
Sent: Friday, April 06, 2018 12:10 PM
To: OGC Ethics <OGC_Ethics@epa.gov>
Cc: Jensen, LeAnn <Jensen.Leann@epa.gov>
Subject: FW: Request for Further Evaluation of Ethics Matter

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From: Jeffry Fowley [[mailto:](#) **Ex. 6 - Personal Privacy**]
Sent: Friday, April 06, 2018 11:54 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Request for Further Evaluation of Ethics Matter

This will follow up on a my phone call I just had with Ms. Fugh. I am requesting that your office conduct a further evaluation of whether the gift regulations or any other ethics regulations were violated by Administrator Pruitt in connection with the rental of a condo unit from Vicki Hart. When I was at EPA, such evaluations routinely were conducted when complaints were received from other persons even if the person whose conduct was to be evaluated had not asked for the evaluation. This should be done here, based on my request.

Mr. Minoli's March 30 memorandum has been clarified by his April 4 memorandum which acknowledges that at the time when the March 30 memorandum was written, your office did not have all the relevant facts. However, the April 4 memorandum fails to go on to evaluate whether - based on the true facts - any violation or violations of ethics regulations has occurred. This should now be determined by your office. When this evaluation has been completed, the results should be communicated to me - which also has been the standard practice in similar situations in the past.

The purpose of doing this further evaluation would be to be transparent, and to help to correct the damage done by the March 30 memorandum. Your office did do deficient work in issuing that memorandum without taking the time and making the effort then to acquire all of the relevant facts. While any further evaluation would analyze the situation only after the fact, this would be no different than what you already did when issuing the March 30 memorandum (after the fact). Also, if you were to find ethics violation by doing a further evaluation - using the true facts - your office could recommend corrective action (even after the fact). For example, you could advise that Mr. Pruitt should pay additional sums to the landlord, if it turns out that he did indeed rent the unit for below a market rate.

I tried to discuss this matter with Ms. Fugh in a civil manner, but she was hostile throughout the call and then hung up. She made it clear that she would not undertake this evaluation based solely on my request. Thus I am asking Mr. Leopold to overrule her and direct that this further evaluation be done.
Jeffry Fowley

To: Fugh, Justina[Fugh.Justina@epa.gov]
From: Wilcox, Jahan
Sent: Fri 3/30/2018 6:52:05 PM
Subject: RE: Comment on Pruitt's daughter staying at condo

202-309-0934

From: Fugh, Justina
Sent: Friday, March 30, 2018 2:52 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Comment on Pruitt's daughter staying at condo

Okay, will do. What's your phone number for the people who are calling me directly?

From: Wilcox, Jahan
Sent: Friday, March 30, 2018 2:51 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Comment on Pruitt's daughter staying at condo

Yes please forward them over. Thank you!

From: Fugh, Justina
Sent: Friday, March 30, 2018 2:50 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: FW: Comment on Pruitt's daughter staying at condo

Hi Jahan,

I've been receiving calls today from reporters, asking me to confirm my statements to Bloomberg (which were on the record). I've said that I didn't know about the lease arrangement until yesterday but have re-explained what I said last night. I saw Kevin Minoli at 1 pm, though, and he advised me to stop taking the calls altogether, which I'm happy to do.

To that end, I am sending you this question that mentions a fact that I did not know (about the

daughter staying there too). I don't know if she had her own lease arrangement and paid separately.

Do you want me to send all of these sorts of calls to you now?
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Miranda Green [<mailto:mgreen@thehill.com>]
Sent: Friday, March 30, 2018 2:03 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Comment on Pruitt's daughter staying at condo

Hi Justina,

Looking to get a comment from you about the latest news that Scott Pruitt's daughter also stayed with him at his condo last summer while she interned at the White House.

I'd like to know if you find this an ethics violation, or more concerning than what you previously stated on the record. Also, did you know about this before you wrote that statement?

Zahra Hirji just tweeted that and I'd like to confirm that with you.

Best,

Miranda

--

Miranda Green

Energy and Environment Reporter, The Hill

202-999-0660

mgreen@thehill.com

@mirandacgreen

To: Ross, Margaret[Ross.Margaret@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]
From: Fugh, Justina
Sent: Thur 4/5/2018 5:07:52 PM
Subject: RE: fyi

I don't know for sure as I didn't contribute to the writing. Maybe he's trying to give me some cover too?

From: Ross, Margaret
Sent: Wednesday, April 04, 2018 3:27 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: RE: fyi

Why does he keep saying "we"?

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building
Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

From: Fugh, Justina
Sent: Wednesday, April 4, 2018 2:32 PM
To: Ross, Margaret <Ross.Margaret@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>
Subject: fyi

From: Minoli, Kevin
Sent: Wednesday, April 04, 2018 1:59 PM
To: Walter Shaub <WShaub@campaignlegalcenter.org>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Clarification of and Record For Review of Lease.docx

I am sorry, confusion on our end. In light of your incoming question regarding the language in the March 30 memo, I wanted to ensure we effectively resolved that confusion as to scope. We were not sending the entire document as it is in development and so that's why you do not see

everything you might have expected. If you could give me a quick call that would be great.
Thanks, Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Walter Shaub [<mailto:WShaub@campaignlegalcenter.org>]
Sent: Wednesday, April 04, 2018 1:40 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>
Subject: Re: Clarification of and Record For Review of Lease.docx

This confuses me. My understanding was that Kevin believed the lease entitled the Administrator to occupy only one room in the residence, and he mentioned to me in our conversation that he assessed comparables by looking up Air B&B rates for renting one room in a residence. In fact, he showed me a printout that he had converted to PDF. So I'm confused by the discussion at the end of this draft memo that discusses average rates for renting whole residences. Did I misunderstand Kevin? In other words, was the ethics analysis based on occupying one room or was it based on renting the whole residence? If so, why does this draft say otherwise? Will the memo include the PDF he showed me as an attachment?

Sent from my iPhone

On Apr 4, 2018, at 1:24 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Walt,

Kevin Minoli asked me to forward this draft along to you.

Justina

From: Minoli, Kevin
Sent: Wednesday, April 04, 2018 1:21 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Clarification of and Record For Review of Lease.docx

<Clarification of and Record For Review of Lease.docx>

To: Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]
From: Fugh, Justina
Sent: Wed 4/4/2018 12:32:41 AM
Subject: RE: Press Statements Regarding the Friday Memo

Hi Jennie,

Those are good points to ask. I was not given a direct order to speak to the press, but I guess I didn't feel that I could decline. What Ryan said is that they "needed" me to speak to the reporter. I did ask if they meant right then, and he replied that, yes, he would like it to be now. I said that I needed to tell b6, b7C, b7D, b7E, b7F, b7G, b7H, b7I, b7J, b7K, b7L, b7M, b7N, b7O, b7P, b7Q, b7R, b7S, b7T, b7U, b7V, b7W, b7X, b7Y, b7Z where I was, and then they could call me back, which they did.

As for how many times Matt asked me on Friday whether I wanted or needed Kevin to join us, I think it was three or four times. I do remember that, at one point, Matt asked me if I wanted *him* to get Kevin, as if doing so was beneath him, so I said that I could go get him. Matt then said, no, he could go get Kevin, so maybe I misunderstood his tone.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Keith, Jennie
Sent: Tuesday, April 03, 2018 6:29 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>
Subject: RE: Press Statements Regarding the Friday Memo

Hi Justina,

I had a couple questions just to be sure I understood the events correctly. I'm sorry I couldn't

write earlier, but I was preoccupied with vetting an event for the Administrator this afternoon.

In your email last week, on Thursday night (technically 12:30am on Friday morning, March 30), you wrote that Matt and Ryan asked you to talk to the press that night; however, below you wrote that they told you to talk to the press. Did you mean there to be a difference there? Because one sounds like a direct order while the other implies a willingness to the press.

Also, when you recounted to me events that happened over the phone on Friday, I just wanted to be sure I understood how many times Matt asked you whether he should get Kevin.

Thanks!

Jennie for OGC/Ethics

From: Fugh, Justina

Sent: Tuesday, April 03, 2018 9:59 AM

To: Griffo, Shannon <Griffo.Shannon@epa.gov>; Duross, Jeanne <Duross.Jeanne@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>

Subject: FW: Press Statements Regarding the Friday Memo

Wow. Just ... wow.

For our internal record, I want to say that:

- I first learned about the lease in the afternoon of Thursday, March 29, when Ryan Jackson called me about a different matter. He also mentioned in passing about the Administrator's lease and said that the landlord was a lobbyist friend who had known the Administrator for years, had donated in the past to his campaign. The Administrator paid about \$50 a night for one room that had a shared bathroom. The door did not have a lock. I said that if you pay for something, then it's not a gift under the ethics rules, and even if it is a gift, then it's

- still generally okay even under the pledge to accept a gift from a personal lobbyist friend.
- I went to the movies that night with [b6]. As I was turning off my EPA iphone, it buzzed. I did not recognize the number, so I texted back that I couldn't take the call and asked who was calling. It was Matt Leopold, so I excused myself and went to the lobby. Matt and Ryan Jackson were in the office and wanted to talk to me about the lease. They read to me over the phone portions of the lease, including the fact that it was originally for just for about a month and a half but he stayed for about 5.5 months, that the Administrator did not have access to the common areas of the space but only to his own room, that his bedroom door didn't lock, and that he paid only for the nights he was there (as opposed to a monthly lease). They said they had cancelled checks and rattled off the amounts and dates. It seemed to me that he paid on average about \$1000/month. They then told me that I needed to be interviewed on the record with Bloomberg that night.
 - What Ryan and Matt did not tell me was that Kevin Minoli was also in his office, just a few feet away. They had talked to him, but he indicated to them that he needed to look at the regs. So instead of that option, they apparently decided to call me at 8:40 at night. They did not tell me that they had talked to Kevin, nor that he was physically in the office while I was in the movie theater. And even though Kevin was right there, they never told him that they were talking to me or that I was asked to talk to the reporter. In fact, even after the interview, they did not tell Kevin. He did not know what happened to me until he read the email I sent all of you at 12:30 that night.
 - On Friday, March 30, I had a meeting already scheduled with Kevin at 1 pm. He arrived at the office at about that time as he had been off in the morning for [Ex. 6 - Personal Privacy]. At that time, he told me that he had been in the office the previous night while Matt and Ryan were talking to me. I left Kevin's office around 2 or 2:10 pm.
 - Soon thereafter, Carla called me to say that Matt was in his office and wanted to see me, that she would call again when he was ready. She called around 2:30 or so, having alerted me to the fact that Ryan was also there. In addition, Jahan Wilcox was there, and they showed me for the first time the actual lease and copies of the cancelled checks. They started to talk to me, and I asked if Kevin would be joining us. Matt said, "Do you want Kevin here?" and I said yes, he's the DAEO. Matt said again, "Do you want me to get Kevin" and "Do you want *me* to get Kevin." So I thought he meant that, instead of his doing it, I should get Kevin, but then he said, "No, if you think you need Kevin, then I'll go get Kevin."
 - Matt returned to his office about 10 to 15 minutes later, with Kevin. We then spent the next 3 hours talking about the lease, plus all of the new facts that I was learning for the first time, such as the fact that Pruitt's adult daughter stayed at the apartment in the other bedroom while she was on an internship with the White House that Ryan said he secured for her. Then Jahan, looking at his phone, said, "the broken down door just got out." I asked what that meant, and Ryan said that the Administrator had been feeling ill, so went to the White House physician and then went to the condo to take a nap. He apparently asked for the security detail to get him in three hours. He did not respond to calls, so (according to Ryan) the security detail contacted Nino, who told them to break down the door. I asked whether that was the door to the Administrator's room (which wasn't supposed to have a lock), and Ryan then described the condo floorplan to me, indicating that the security detail broke down the condo door to the outside.
 - Kevin drafted the Friday, March 30 message and signed it. I was with him most if not all

of that time. The memo underscores the concept that if you pay for something, it's not a gift. That's the point that Kevin is making in his email below to the press people, but they are using his statement for more than that.

Justina

From: Bowman, Liz
Sent: Tuesday, April 03, 2018 8:59 AM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Wilcox, Jahan <wilcox.jahan@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Press Statements Regarding the Friday Memo

Hi Kevin, this statement was approved by Matt, based on what the administrator told us to communicate. Thanks - Liz

On Apr 2, 2018, at 10:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Duross, Jeanne[Duross.Jeanne@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]
From: Fugh, Justina
Sent: Wed 4/4/2018 12:06:15 AM
Subject: I had a long chat with Dave Apol today

Hi there,

Dave Apol called me, and we talked for about 45 minutes. He indicates that my reputation is being sullied, my competence questioned, and that people at OGE are wondering what I was thinking (based on the press reports). That's pretty disheartening. I explained to Dave that I gave advice about the definition of gift based on what I was told Thursday night: (a) the landlord was a personal friend of Pruitt's, (b) they read to me portions of the lease that indicated Pruitt did not have unrestricted use of the common areas, and (c) that he paid \$50 a night for the use of just one room. Based on what they told me, I then said in the interview that if you pay market value for something, it's not a gift. To be clear, I was talking about the market value of a single room; I never said that paying \$50 for an entire condo constituted "market value."

Dave agreed that ethics officials can't make determinations about what constitutes market value, but he could see that \$50 per night for a single room was at least credible. Paying \$50 for an entire condo is not credible, but I never said it was. And he agreed that, strictly speaking, the lobbyist landlord (who did not lobby before EPA) is not herself a prohibited source. Her husband is, but he's not the lessor. Dave said that, based on the facts that I had before me on Thursday, the advice I gave at the time was right.

What's not right is to take my statement at the time and apply it to those emerging facts that I didn't know, like the adult daughter living there and the fact that the Pruitts apparently used the entire condo, not just one room as stipulated in the lease. And it's not right to indicate to me that there was a personal friendship when, now, the landlord appears to be stepping back from that. End result? Dave says, yes, I gave correct advice at the time, but now I'm getting hosed.

Justina

To: Blake, Wendy[Blake.Wendy@epa.gov]
From: Fugh, Justina
Sent: Mon 4/2/2018 6:31:55 PM
Subject: FW: Condo question

Ex. 5 - Attorney Client

From: Ray Converse [mailto:**Ex. 6 - Personal Privacy**]
Sent: Saturday, March 31, 2018 7:57 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Condo question

Ms. Fugh

In March 2017, you said, " Because we work for the federal government, all EPA employees must abide by the Standards of Ethical Conduct and conflict of interest statutes. We have to be sure that the American public is able to trust that we carry out our jobs without any financial conflict, or inappropriate favoritism, or partisan political influence. My job is to help EPA employees understand their ethics rules and responsibilities. "

How does this square with your contention that Mr. Pruitt renting a room from an energy lobbyist was not improper or at least had the appearance of impropriety? What technique did you use to determine fair market value? What other favorable ethics rulings have you ever given Mr. Pruitt? Have you ever told him an action was inappropriate? Are you willing to tell truth to power in your position?

--

Ray Converse

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Fugh, Justina
Sent: Fri 3/30/2018 6:51:33 PM
Subject: RE: Comment on Pruitt's daughter staying at condo

Okay, will do. What's your phone number for the people who are calling me directly?

From: Wilcox, Jahan
Sent: Friday, March 30, 2018 2:51 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: RE: Comment on Pruitt's daughter staying at condo

Yes please forward them over. Thank you!

From: Fugh, Justina
Sent: Friday, March 30, 2018 2:50 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: FW: Comment on Pruitt's daughter staying at condo

Hi Jahan,

I've been receiving calls today from reporters, asking me to confirm my statements to Bloomberg (which were on the record). I've said that I didn't know about the lease arrangement until yesterday but have re-explained what I said last night. I saw Kevin Minoli at 1 pm, though, and he advised me to stop taking the calls altogether, which I'm happy to do.

To that end, I am sending you this question that mentions a fact that I did not know (about the daughter staying there too). I don't know if she had her own lease arrangement and paid separately.

Do you want me to send all of these sorts of calls to you now?
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308

ED_001742_00000282-00001

North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Miranda Green [<mailto:mgreen@thehill.com>]
Sent: Friday, March 30, 2018 2:03 PM
To: Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Comment on Pruitt's daughter staying at condo

Hi Justina,

Looking to get a comment from you about the latest news that Scott Pruitt's daughter also stayed with him at his condo last summer while she interned at the White House.

I'd like to know if you find this an ethics violation, or more concerning than what you previously stated on the record. Also, did you know about this before you wrote that statement?

Zahra Hirji just tweeted that and I'd like to confirm that with you.

Best,

Miranda

--

Miranda Green

Energy and Environment Reporter, The Hill

202-999-0660

mgreen@thehill.com

@mirandacgreen

Sent: Fri 4/6/2018 7:56:19 PM

Patrick- As part of their work, two of OGC's information law attorneys identified emails between EPA employees and J. Steven Hart. As you likely know, Mr. Hart is the husband of the individual who owns the LLC that owns the property leased by the Administrator in 2017.

My staff provided a hard copy to me yesterday while I was out of the office. Upon review of the documents today I concluded that they should be referred to your office for review and action if you deem appropriate. I have provided a copy to the Matt Leopold, our General Counsel, who I have also cc'd here.

I have conveyed to the staff involved that I would refer these documents to you and that they should feel free referring any material to the OIG directly in the future.

Please call or email if you have any questions or would like to discuss.

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

To: Sullivan, Patrick F.[Sullivan.Patrick@epa.gov]
Cc: Leopold, Matt[Leopold.Matt@epa.gov]; **Ex. 6 - Personal Privacy**
Ulmer, Craig[Ulmer.Craig@epa.gov]; Williams, Allan C. - DC OIG[Williams.Allan@epa.gov]; Elkins, Arthur[Elkins.Arthur@epa.gov]; Sheehan, Charles[Sheehan.Charles@epa.gov]; Larsen, Alan[Larsen.Alan@epa.gov]; Hanger, Eric[Hanger.Eric@epa.gov]; Alderton, Steven M.[Alderton.Steve@epa.gov]
Sent: Fri 4/6/2018 10:20:01 PM
Subject: RE: Referral

Patrick- Thank you for your reply and telephone call earlier. I will look forward to meeting with **Ex. 6 - Personal Privacy** on Monday.

Without revealing any additional information, I will inform the individuals who provided me the documents that I have made this referral and ask that they not share or discuss the documents with others absent further instructions from me or the OIG. If you would like to provide them with guidance directly at any point I am happy to help facilitate that.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Sullivan, Patrick F.

Sent: Friday, April 06, 2018 6:04 PM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Cc: Leopold, Matt <Leopold.Matt@epa.gov>; **Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy; Ulmer, Craig <Ulmer.Craig@epa.gov>; Williams, Allan C. - DC OIG <Williams.Allan@epa.gov>; Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Hanger, Eric <Hanger.Eric@epa.gov>; Alderton, Steven M. <Alderton.Steve@epa.gov>

Subject: FW: Referral

Kevin,

Thank you for referring this information.

The OIG Office of Professional Responsibility (OPR) will open an investigation based upon this referral.

OPR **Ex. 6 - Personal Privacy** will reach out to you on Monday to arrange for a mutually convenient time to speak to you.

Based upon our telephone conversation this afternoon, you and I both understand the sensitivity of this information. The OIG considers this CLOSE HOLD and we respectfully request that no one in the Office of the Administrator be notified about this referral. We also respectfully request that you limit the knowledge of this referral to those on your staff with a need to know, based upon the ongoing FOIA work which led to this discovery. We are working closely with the U.S. Attorney's Office (USAO) for the District of Colombia on this matter and we expect to receive additional guidance from the USAO on Monday.

Thank you again, Kevin.

Patrick F. Sullivan

Assistant Inspector General for Investigations

EPA Office of Inspector General

Desk: (202) 566-0308

Cell: Ex. 6 - Personal Privacy

FAX: (202) 566-0814

Email: sullivan.patrick@epa.gov

To report fraud, waste or abuse impacting EPA, please contact the EPA OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax 202-566-2599, or email at oig_hotline@epa.gov

To report threats directed against EPA employees, contractors, facilities and assets, please email report.EPA.threats@epa.gov

This message may contain information that is law enforcement sensitive but unclassified. If you are not the intended recipient, please immediately (1) advise the sender by reply e-mail that this message was inadvertently transmitted to you, and (2) delete this e-mail from your system. Thank you for your cooperation

From: Minoli, Kevin
Sent: Friday, April 06, 2018 4:20 PM
To: Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Referral

Patrick- As part of their work, two of OGC's information law attorneys identified emails between EPA employees and J. Steven Hart. As you likely know, Mr. Hart is the husband of the individual who owns the LLC that owns the property leased by the Administrator in 2017.

My staff provided a hard copy to me yesterday while I was out of the office. Upon review of the documents today I concluded that they should be referred to your office for review and action if you deem appropriate. I have provided a copy to the Matt Leopold, our General Counsel, who I have also cc'd here.

I have conveyed to the staff involved that I would refer these documents to you and that they should feel free referring any material to the OIG directly in the future.

Please call or email if you have any questions or would like to discuss.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Jackson, Ryan
Sent: Tue 4/3/2018 8:35:11 PM
Subject: RE: Press Statements Regarding the Friday Memo

No, I've got it. I appreciate the distinction. I spoke with Matt this afternoon. I meant to get with you but that didn't work today for sure.

I spoke with Liz about it so that she appreciates the distinction too. I think we should take you up on putting together responses. Our OPA is flooded with inquiries and it's a really wild turn around.

From: Minoli, Kevin
Sent: Monday, April 2, 2018 11:29 PM
To: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Press Statements Regarding the Friday Memo

Ryan- Thanks for following up and I agreed with how it was used or referred to over the weekend.

This is the reference that was of concern to me:

Ms. Bowman said the criticism was unjustified, saying that Mr. Pruitt paid what one E.P.A. official called a "market value" rent.

The concern being raised is that he could not be impartial because of the lease. The fact that the lease is not a gift under the ethics rules is relevant to that question but it does not determine the answer to it either way. Here is how OGE describes the Impartiality rule:

"Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or "recuse") is designed to avoid

the appearance of favoritism in government decision-making.”

<https://www.oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>

Let me know if you'd like to discuss or if it's still not clear. Again, I'm happy to review or help draft responses at any point.

I also want to be clear that I am not weighing in on any statements that deny he was motivated by lease, such as this one:

“Any attempt to draw that link is patently false,” Liz Bowman, a spokeswoman for Mr. Pruitt, said in a written statement.

He is entitled either directly or through Liz or Jahan that he was not influenced by the lease or reject an allegation that there was an connection between and action and the lease and that's not a question for the ethics team. We should not, though, refer to my memo as a determination by me that he was or was not influenced to take any particular action because it does not evaluate any particular action.

Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I just got this forwarded. What was your specific concern? Really I've hoped the memo would simply speak for itself. We didn't issue much of a statement surrounding it Friday because I believe we didn't need to.

Ryan Jackson

Chief of Staff

U.S. EPA

202-564-6999

Begin forwarded message:

From: "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Date: April 2, 2018 at 10:55:46 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 2, 2018 at 10:49:21 PM EDT
To: "Bowman, Liz" <Bowman.Liz@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Leopold, Matt" <Leopold.Matt@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>
Subject: Press Statements Regarding the Friday Memo

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the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

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Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel

US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Leopold, Matt[Leopold.Matt@epa.gov]; Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Fugh, Justina
Sent: Mon 4/9/2018 5:13:44 PM
Subject: RE: Complaint to Office of Government Ethics

Hi Matt,

The Office of Government Ethics will advise Mr. Fowley that he does not have a private right of action to seek their review, but will also inform him that they have already asked EPA to review the facts articulated in his email. I rather doubt that you need to offer any response.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Leopold, Matt
Sent: Monday, April 09, 2018 1:01 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: FW: Complaint to Office of Government Ethics

Let me know if there needs to be a response. He has asked that I not include Kevin on these matters, so that I why I am copying Justina to help suggest what is most appropriate.

Matthew Z. Leopold

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy](#)]
Sent: Monday, April 9, 2018 11:09 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Fwd: Complaint to Office of Government Ethics

fyi

-----Original Message-----
From: Jeffry Fowley <[Ex. 6 - Personal Privacy](#)>
To: contactoge <contactoge@oge.gov>
Sent: Mon, Apr 9, 2018 11:08 am
Subject: Complaint to Office of Government Ethics

I am asking that your office take over looking into the alleged violations of federal ethics rules by EPA Administrator Scott Pruitt. In particular, you should examine whether the gift regulations, or any other ethics regulations, were violated by Mr. Pruitt in connection with the rental of a condo unit from Vicki Hart.

As you may know, the EPA Office of General Counsel ethics officer Kevin Minoli initially issued a legal opinion on March 30 advising that no violation of the gift regulations had occurred. However, he subsequently has had to back-track and has issued a second legal opinion dated April 4 admitting that when the March 30 memorandum was written, he did not have all of the relevant facts. Notwithstanding this, the EPA Office of General Counsel has failed to take the next logical step and to conduct a new ethics evaluation - using the true facts - in order to determine whether any ethics violations have occurred. On Friday (April 6), I asked EPA General Counsel Matthew Leopold to order that such a new evaluation be conducted. I also asked that Mr. Minoli be recused from any further involvement in this matter, given the deficient nature of his initial work and the likelihood that he would not be objective in evaluating this matter and his own deficient work. I have been told by EPA attorney Justina Fugh that no further ethics evaluation will be conducted, and have not heard back from Mr. Leopold.

It is apparent that the EPA Office of General Counsel is unwilling or unable to do its ethics job. You are no doubt aware of the reports that when more courageous EPA personnel have attempted to advise honestly about ethics matters, negative consequences from Mr. Pruitt have followed. It seems apparent that an independent agency - i.e. your agency - needs to conduct any ethics evaluation if it is to be fair and proper.

Please conduct an evaluation of this matter. I would be happy to cooperate with you in any way I can, including forwarding to you the emails I have sent to the Office of General Counsel and EPA Inspector General's Office. You may contact me here by email or may call me at [Ex. 6 - Personal Privacy](#). You may use my name as appropriate when conducting your investigation - keeping this confidential is not required. Jeffry Fowley

To: Minoli, Kevin[Minoli.Kevin@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Leopold, Matt
Sent: Mon 4/9/2018 5:00:31 PM
Subject: FW: Complaint to Office of Government Ethics

Let me know if there needs to be a response. He has asked that I not include Kevin on these matters, so that I why I am copying Justina to help suggest what is most appropriate.

Matthew Z. Leopold

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy](#)]
Sent: Monday, April 9, 2018 11:09 AM
To: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Fwd: Complaint to Office of Government Ethics

fyi

-----Original Message-----
From: Jeffry Fowley [mailto:[Ex. 6 - Personal Privacy](#)]
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Please conduct an evaluation of this matter. I would be happy to cooperate with you in any way I can, including forwarding to you the emails I have sent to the Office of General Counsel and EPA Inspector General's Office. You may contact me here by email or may call me at [Ex. 6 - Personal Privacy]. You may use my name as appropriate when conducting your investigation - keeping this confidential is not required. Jeffrey Fowley

To: Leopold, Matt[Leopold.Matt@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Elkins, Arthur
Sent: Sun 4/8/2018 11:59:55 PM
Subject: Re: Referral

Okay. Thanks.
Art

Sent from my iPhone

On Apr 8, 2018, at 7:59 PM, Leopold, Matt <Leopold.Matt@epa.gov> wrote:

I also am available if there is anything I can assist with on this matter.

Regards, Matt

Matthew Z. Leopold

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Minoli, Kevin
Sent: Friday, April 6, 2018 4:20 PM
To: Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Referral

Patrick- As part of their work, two of OGC's information law attorneys identified emails between EPA employees and J. Steven Hart. As you likely know, Mr. Hart is the husband of the individual who owns the LLC that owns the property leased by the Administrator in 2017.

My staff provided a hard copy to me yesterday while I was out of the office. Upon review of the documents today I concluded that they should be referred to your office for review and action if you deem appropriate. I have provided a copy to the Matt Leopold, our General Counsel, who I have also cc'd here.

I have conveyed to the staff involved that I would refer these documents to you and that they should feel free referring any material to the OIG directly in the future.

Please call or email if you have any questions or would like to discuss.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

<image2018-04-06-140233.pdf>

To: Elkins, Arthur[Elkins.Arthur@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Leopold, Matt
Sent: Sun 4/8/2018 11:58:59 PM
Subject: FW: Referral
[image2018-04-06-140233.pdf](#)

I also am available if there is anything I can assist with on this matter.

Regards, Matt

Matthew Z. Leopold

General Counsel

U.S. Environmental Protection Agency

(202) 564-8040

From: Minoli, Kevin
Sent: Friday, April 6, 2018 4:20 PM
To: Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Referral

Patrick- As part of their work, two of OGC's information law attorneys identified emails between EPA employees and J. Steven Hart. As you likely know, Mr. Hart is the husband of the individual who owns the LLC that owns the property leased by the Administrator in 2017.

My staff provided a hard copy to me yesterday while I was out of the office. Upon review of the documents today I concluded that they should be referred to your office for review and action if you deem appropriate. I have provided a copy to the Matt Leopold, our General Counsel, who I have also cc'd here.

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Please call or email if you have any questions or would like to discuss.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Leopold, Matt[Leopold.Matt@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]
From: Bowman, Liz
Sent: Tue 4/3/2018 12:58:35 PM
Subject: Re: Press Statements Regarding the Friday Memo

Hi Kevin, this statement was approved by Matt, based on what the administrator told us to communicate. Thanks - Liz

On Apr 2, 2018, at 10:49 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from Apple News

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Leopold, Matt
Sent: Tue 4/3/2018 9:21:29 AM
Subject: Re: Press Statements Regarding the Friday Memo

Thanks for sending this.
Matt

Sent from my iPhone

On Apr 2, 2018, at 11:30 PM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

Matt- I wanted to make sure you had a copy of my reply to Ryan in case he asks you about it. Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 2, 2018 at 11:28:40 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Re: Press Statements Regarding the Friday Memo

Ryan- Thanks for following up and I agreed with how it was used or referred to over the weekend.

This is the reference that was of concern to me:

Ms. Bowman said the criticism was unjustified, saying that Mr. Pruitt paid what one E.P.A. official called a "market value" rent.

The concern being raised is that he could not be impartial because of the lease. The fact that the lease is not a gift under the ethics rules is relevant to that question but it does not determine the answer to it either way. Here is how OGE describes the Impartiality rule:

"Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or

“recuse”) is designed to avoid the appearance of favoritism in government decision-making.”

<https://www.oge.gov/web/oge.nsf/Resources/A+Refresher+on+the+Impartiality+Rule>

Let me know if you’d like to discuss or if it’s still not clear. Again, I’m happy to review or help draft responses at any point.

I also want to be clear that I am not weighing in on any statements that deny he was motivated by lease, such as this one:

“Any attempt to draw that link is patently false,” Liz Bowman, a spokeswoman for Mr. Pruitt, said in a written statement.

He is entitled either directly or through Liz or Jahan that he was not influenced by the lease or reject an allegation that there was an connection between and action and the lease and that’s not a question for the ethics team. We should not, though, refer to my memo as a determination by me that he was or was not influenced to take any particular action because it does not evaluate any particular action.

Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I just got this forwarded. What was your specific concern? Really I’ve hoped the memo would simply speak for itself. We didn’t issue much of a statement surrounding it Friday because I believe we didn’t need to.

Ryan Jackson
Chief of Staff
U.S. EPA

202-564-6999

Begin forwarded message:

From: "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Date: April 2, 2018 at 10:55:46 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 2, 2018 at 10:49:21 PM EDT
To: "Bowman, Liz" <Bowman.Liz@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Leopold, Matt" <Leopold.Matt@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>
Subject: Press Statements Regarding the Friday Memo

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Thanks, Kevin

Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Minoli, Kevin[Minoli.Kevin@epa.gov]
From: Jackson, Ryan
Sent: Tue 4/3/2018 3:01:03 AM
Subject: Fwd: Press Statements Regarding the Friday Memo

I just got this forwarded. What was your specific concern? Really I've hoped the memo would simply speak for itself. We didn't issue much of a statement surrounding it Friday because I believe we didn't need to.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Date: April 2, 2018 at 10:55:46 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 2, 2018 at 10:49:21 PM EDT
To: "Bowman, Liz" <Bowman.Liz@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Leopold, Matt" <Leopold.Matt@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>
Subject: Press Statements Regarding the Friday Memo

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Thanks, Kevin

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The New York Times

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Shared from [Apple News](#)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Sullivan, Patrick F.[Sullivan.Patrick@epa.gov]
Cc: Leopold, Matt[Leopold.Matt@epa.gov]
From: Minoli, Kevin
Sent: Fri 4/6/2018 8:19:48 PM
Subject: Referral
[image2018-04-06-140233.pdf](#)

Patrick- As part of their work, two of OGC's information law attorneys identified emails between EPA employees and J. Steven Hart. As you likely know, Mr. Hart is the husband of the individual who owns the LLC that owns the property leased by the Administrator in 2017.

My staff provided a hard copy to me yesterday while I was out of the office. Upon review of the documents today I concluded that they should be referred to your office for review and action if you deem appropriate. I have provided a copy to the Matt Leopold, our General Counsel, who I have also cc'd here.

I have conveyed to the staff involved that I would refer these documents to you and that they should feel free referring any material to the OIG directly in the future.

Please call or email if you have any questions or would like to discuss.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

To: Jackson, Ryan[jackson.ryan@epa.gov]
Cc: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Minoli, Kevin
Sent: Thur 4/5/2018 5:08:44 AM
Subject: Re: Statement from Kevin

Not since I last talked to Liz after you asked us to get going on the statement.
Do you not want me to send any statement to CNN? I made my points clear on the call so maybe just leave it at that and see if they change?

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:02 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Well it's 1. I think we have what we need. Have you heard further from Liz or Matt?
I do think we will put you on the record tomorrow. Manu is simply wrong but he loves misrepresenting things so whatever. Other outlets will be more honest. Tomorrow.

Or I guess just later today now.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Apr 5, 2018, at 12:57 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I've been fighting with CNN free now.
Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 5, 2018, at 12:41 AM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

Do you guys have one more moment to get in the phone?

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

On Apr 5, 2018, at 12:40 AM, Minoli, Kevin <Minoli.Kevin@epa.gov> wrote:

I am happy to go on the record on any of these points and that the memo is not saying nor do I believe that information was withheld from me.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Date: April 5, 2018 at 12:33:57 AM EDT
To: "jjacobs68@bloomberg.net" <jjacobs68@bloomberg.net>, "jdlouhy1@bloomberg.net" <jdlouhy1@bloomberg.net>
Cc: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Subject: Statement from Kevin

Today's memorandum shares the factual analysis done by the career ethics officials and how that analysis supports the conclusion reached in the March 30th Memorandum that the lease did not constitute a prohibited gift. In Reaffirming the original decision, the Memorandum also responds to the misunderstanding or mischaracterization of the March 30 memo by explaining what the conclusion covers and what was beyond its scope.

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency

To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Minoli, Kevin
Sent: Thur 4/5/2018 5:30:19 PM
Subject: Re: New statement

I will send them to you (and this one too). Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 5, 2018, at 1:25 PM, Wilcox, Jahan <wilcox.jahan@epa.gov> wrote:

No just send them to me. I would not work with this – very, very bad guy who has issued 3 retractions in the past year.

From: Minoli, Kevin
Sent: Thursday, April 5, 2018 1:24 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: Fwd: New statement

When I get these do you want me to send it to them and cc you or send you the request and let you send the statement?

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Biesecker, Michael" <MBiesecker@ap.org>
Date: April 5, 2018 at 1:18:25 PM EDT
To: "Minoli, Kevin" <Minoli.kevin@epa.gov>
Cc: "Bowman, Liz" <Bowman.Liz@epa.gov>
Subject: New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael

<image001.jpg>

Michael Biesecker

Investigative Reporter

mbiesecker@ap.org

Twitter: @mbieseck

[Public Key](#)

<image002.jpg>

1100 13 St. NW, Suite 700

Washington, D.C. 20005-4076

T 202-641-9445

M 202-465-6091

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“There are only two forces that can carry light to all corners of the globe – the sun in the heavens and The Associated Press down here.” -- Mark Twain, 1906

"I go with Custer and will be at the death." – AP reporter Mark Kellogg's final dispatch from the Battle of the Little Bighorn, 1876

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To: Wilcox, Jahan[wilcox.jahan@epa.gov]
From: Minoli, Kevin
Sent: Thur 4/5/2018 5:24:13 PM
Subject: Fwd: New statement

When I get these do you want me to send it to them and cc you or send you the request and let you send the statement?

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Biesecker, Michael" <MBiesecker@ap.org>
Date: April 5, 2018 at 1:18:25 PM EDT
To: "Minoli, Kevin" <Minoli.kevin@epa.gov>
Cc: "Bowman, Liz" <Bowman.Liz@epa.gov>
Subject: New statement

Kevin,

Liz says you have a new statement regarding the letter you drafted yesterday about Administrator Pruitt's lease. Could you please send it to me.

Thanks,

Michael



ASSOCIATED PRESS

Michael Biesecker

1100 13 St. NW, Suite 700

Investigative Reporter

Washington, D.C. 20005-4076

mbiesecker@ap.org

Twitter: @mbieseck

T 202-641-9445

Public Key

M 202-465-6091

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To: Sullivan, Patrick F. [Sullivan.Patrick@epa.gov]; Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

From: Minoli, Kevin

Sent: Sat 4/7/2018 12:44:23 AM

Subject: RE: Referral

[17332018-04-06-182146.pdf](#)

[15032018-04-06-182053.pdf](#)

[3712018-04-06-181925.pdf](#)

Patrick and Ex. 6 - Personal Privacy As I mentioned to Patrick, we did look to see if the meetings referenced in the emails I sent earlier today appeared on copies of the Administrator's calendar that the agency had already produced in response to a FOIA request. If so, I wanted to be able to alert you of that disclosure. Attached are three files where it appears that a meeting discussed may have been included on the calendar, but we did not identify any that included information identifying J. Steven Hart as an attendee. At this point our office is standing down awaiting further direction from your office.

Thank you, Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Sullivan, Patrick F.

Sent: Friday, April 06, 2018 6:04 PM

To: Minoli, Kevin <Minoli.Kevin@epa.gov>

Cc: Leopold, Matt <Leopold.Matt@epa.gov>; Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy Ulmer, Craig <Ulmer.Craig@epa.gov>; Williams, Allan C. - DC OIG <Williams.Allan@epa.gov>; Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Hanger, Eric <Hanger.Eric@epa.gov>; Alderton, Steven M. <Alderton.Steve@epa.gov>

Subject: FW: Referral

Kevin,

Thank you for referring this information.

The OIG Office of Professional Responsibility (OPR) will open an investigation based upon this referral.

OPR **Ex. 6 - Personal Privacy** will reach out to you on Monday to arrange for a mutually convenient time to speak to you.

Based upon our telephone conversation this afternoon, you and I both understand the sensitivity of this information. The OIG considers this CLOSE HOLD and we respectfully request that no one in the Office of the Administrator be notified about this referral. We also respectfully request that you limit the knowledge of this referral to those on your staff with a need to know, based upon the ongoing FOIA work which led to this discovery. We are working closely with the U.S. Attorney's Office (USAO) for the District of Colombia on this matter and we expect to receive additional guidance from the USAO on Monday.

Thank you again, Kevin.

Patrick F. Sullivan

Assistant Inspector General for Investigations

EPA Office of Inspector General

Desk: (202) 566-0308

Cell: **Ex. 6 - Personal Privacy**

FAX: (202) 566-0814

Email: sullivan.patrick@epa.gov

To report fraud, waste or abuse impacting EPA, please contact the EPA OIG Hotline via telephone numbers 202-566-2476 or 888-546-8740, fax 202-566-2599, or email at oig_hotline@epa.gov

To report threats directed against EPA employees, contractors, facilities and assets, please email report.EPA.threats@epa.gov

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From: Minoli, Kevin
Sent: Friday, April 06, 2018 4:20 PM
To: Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Referral

Patrick- As part of their work, two of OGC's information law attorneys identified emails between EPA employees and J. Steven Hart. As you likely know, Mr. Hart is the husband of the individual who owns the LLC that owns the property leased by the Administrator in 2017.

My staff provided a hard copy to me yesterday while I was out of the office. Upon review of the documents today I concluded that they should be referred to your office for review and action if you deem appropriate. I have provided a copy to the Matt Leopold, our General Counsel, who I have also cc'd here.

I have conveyed to the staff involved that I would refer these documents to you and that they should feel free referring any material to the OIG directly in the future.

Please call or email if you have any questions or would like to discuss.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

To: Sullivan, Patrick F.[Sullivan.Patrick@epa.gov]
Cc: Leopold, Matt[Leopold.Matt@epa.gov]; **Ex. 6 - Personal Privacy**
Ulmer, Craig[Ulmer.Craig@epa.gov]; Williams, Allan C. - DC OIG[Williams.Allan@epa.gov]; Elkins,
Arthur[Elkins.Arthur@epa.gov]; Sheehan, Charles[Sheehan.Charles@epa.gov]; Larsen,
Alan[Larsen.Alan@epa.gov]; Hanger, Eric[Hanger.Eric@epa.gov]; Alderton, Steven
M.[Alderton.Steve@epa.gov]
From: Minoli, Kevin
Sent: Fri 4/6/2018 10:35:34 PM
Subject: RE: Referral

Patrick- Thank you for your reply and telephone call earlier. I will look forward to meeting with
Ex. 6 - Personal Privacy on Monday.

Without revealing any additional information, I will inform the individuals who provided me the documents that I have made this referral and ask that they not share or discuss the documents with others absent further instructions from me or the OIG. If you would like to provide them with guidance directly at any point I am happy to help facilitate that.

Thank you,

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: Sullivan, Patrick F.
Sent: Friday, April 06, 2018 6:04 PM
To: Minoli, Kevin <Minoli.Kevin@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>; **Ex. 6 - Personal Privacy**
Ex. 6 - Personal Privacy Ulmer, Craig <Ulmer.Craig@epa.gov>; Williams, Allan C. -

DC OIG <Williams.Allan@epa.gov>; Elkins, Arthur <Elkins.Arthur@epa.gov>; Sheehan, Charles <Sheehan.Charles@epa.gov>; Larsen, Alan <Larsen.Alan@epa.gov>; Hanger, Eric <Hanger.Eric@epa.gov>; Alderton, Steven M. <Alderton.Steve@epa.gov>

Subject: FW: Referral

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The OIG Office of Professional Responsibility (OPR) will open an investigation based upon this referral.

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Thank you again, Kevin.

Patrick F. Sullivan

Assistant Inspector General for Investigations

EPA Office of Inspector General

Desk: (202) 566-0308

Cell: Ex. 6 - Personal Privacy

FAX: (202) 566-0814

Email: sullivan.patrick@epa.gov

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Sent: Friday, April 06, 2018 4:20 PM
To: Sullivan, Patrick F. <Sullivan.Patrick@epa.gov>
Cc: Leopold, Matt <Leopold.Matt@epa.gov>
Subject: Referral

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between EPA employees and J. Steven Hart. As you likely know, Mr. Hart is the husband of the individual who owns the LLC that owns the property leased by the Administrator in 2017.

My staff provided a hard copy to me yesterday while I was out of the office. Upon review of the documents today I concluded that they should be referred to your office for review and action if you deem appropriate. I have provided a copy to the Matt Leopold, our General Counsel, who I have also cc'd here.

I have conveyed to the staff involved that I would refer these documents to you and that they should feel free referring any material to the OIG directly in the future.

Please call or email if you have any questions or would like to discuss.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

To: Leopold, Matt[Leopold.Matt@epa.gov]
From: Minoli, Kevin
Sent: Tue 4/3/2018 3:30:13 AM
Subject: Fwd: Press Statements Regarding the Friday Memo

Matt- I wanted to make sure you had a copy of my reply to Ryan in case he asks you about it.
Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 2, 2018 at 11:28:40 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Re: Press Statements Regarding the Friday Memo

Ryan- Thanks for following up and I agreed with how it was used or referred to over the weekend.

This is the reference that was of concern to me:

Ms. Bowman said the criticism was unjustified, saying that Mr. Pruitt paid what one E.P.A. official called a “market value” rent.

The concern being raised is that he could not be impartial because of the lease. The fact that the lease is not a gift under the ethics rules is relevant to that question but it does not determine the answer to it either way. Here is how OGE describes the Impartiality rule:

“Briefly stated, the impartiality rule requires an employee to consider appearance concerns before participating in a particular matter if someone close to the employee is involved as a party to that matter. This requirement to refrain from participating (or “recuse”) is designed to avoid the appearance of favoritism in government decision-making.”

<https://www.oge.gov/web/oge/nsf/Resources/A+Refresher+on+the+Impartiality+Rule>

Let me know if you'd like to discuss or if it's still not clear. Again, I'm happy to review or help draft responses at any point.

I also want to be clear that I am not weighing in on any statements that deny he was motivated by lease, such as this one:

“Any attempt to draw that link is patently false,” Liz Bowman, a spokeswoman for Mr. Pruitt, said in a written statement.

He is entitled either directly or through Liz or Jahan that he was not influenced by the lease or reject an allegation that there was an connection between and action and the lease and that’s not a question for the ethics team. We should not, though, refer to my memo as a determination by me that he was or was not influenced to take any particular action because it does not evaluate any particular action.

Thanks, Kevin

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

On Apr 2, 2018, at 11:01 PM, Jackson, Ryan <jackson.ryan@epa.gov> wrote:

I just got this forwarded. What was your specific concern? Really I’ve hoped the memo would simply speak for itself. We didn’t issue much of a statement surrounding it Friday because I believe we didn’t need to.

Ryan Jackson
Chief of Staff
U.S. EPA
202-564-6999

Begin forwarded message:

From: "Wilcox, Jahan" <wilcox.jahan@epa.gov>
Date: April 2, 2018 at 10:55:46 PM EDT
To: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: Fwd: Press Statements Regarding the Friday Memo

Sent from my iPhone

Begin forwarded message:

From: "Minoli, Kevin" <Minoli.Kevin@epa.gov>
Date: April 2, 2018 at 10:49:21 PM EDT
To: "Bowman, Liz" <Bowman.Liz@epa.gov>, "Wilcox, Jahan" <wilcox.jahan@epa.gov>, "Grantham, Nancy" <Grantham.Nancy@epa.gov>
Cc: "Leopold, Matt" <Leopold.Matt@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>
Subject: Press Statements Regarding the Friday Memo

Hi Folks- I want to make sure that whenever the agency is referring to the memo that I wrote on Friday we are referring to it in a way that is consistent with what it does and does not indicate that the memo does more than it did.

Today was the first day where I saw articles asking about specific actions the agency or the Administrator may have taken that have some alleged or real connection to the people were connected to the apartment. The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question. The memo addressed only the questions of whether the act of signing the lease or living in the space as described in the lease amounted to a prohibited gift. I stand behind my conclusion they were not.

The ethics rules and obligations continue to apply to any action the agency and the Administrator has taken or will take, however, and the fact that he has entered into a lease with Vicki Hart on behalf of 233C LLC may or may not be relevant to understanding how the ethics rules apply to any particular action. We have not been asked to advise on any particular action that has been taken or provide guidance on future actions, and so the memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease.

Again, I am happy to work with folks on specific statements as they arise or on a generic one that can be used whenever questions like these come in. Let me know how to help with those if you are interested.

Thanks, Kevin

Pruitt Had a \$50-a-Day Condo Linked to Lobbyists. Their Client's Project Got Approved.

The New York Times

The E.P.A. chief was using an apartment partly owned by the wife of the chairman of the lobbying firm as its client sought the agency's sign off on a pipeline project. [Read the full story](#)

Shared from [Apple News](#)

Kevin S. Minoli
Principal Deputy General Counsel
Office of General Counsel
US Environmental Protection Agency
Main Office Line: 202-564-8040

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Minoli, Kevin
Sent: Tue 4/3/2018 3:28:41 AM
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Cc: "Leopold, Matt" <Leopold.Matt@epa.gov>, "Fugh, Justina" <Fugh.Justina@epa.gov>
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